STATE OF INDIANA )	BEFORE THE IND S:	DIANA	
COUNTY OF MARION )		COMMISSIONER OF INSURANCE	
	CAUSE NUMBER:	93 <b>91-AG10-0614-109</b>	
Robert Z. Schwuchow, Agent/ Respondent	)		
4208 Crest Drive	) )		
Lafeyette, Indiana 47905	)	JUL 3 0 2010	
Type of Agency Action: Enforce	ement )	STATE OF INDIANA DEPT. OF INSURANCI	
Indiana Insurance License No	406887		

## FINAL ORDER AND APPROVAL

The Indiana Department of Insurance ("Department") and Robert Z. Schwuchow, ("Respondent"), signed an Agreed Entry which purports to resolve all issues involved in the action by the Department regarding Respondent's license, and which has been submitted to the Acting Commissioner of Insurance (the "Acting Commissioner") for approval.

The Acting Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Acting Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED by the Acting Commissioner of Insurance:

- 1. Respondent intentionally misrepresented the terms of an actual or proposed insurance contract or application for insurance.
- 2. Respondent admits that he used fraudulent and dishonest practices, demonstrating untrustworthiness in the conduct of business in Indiana.
- 3. Respondent forged another's name to an application for insurance.
- 4. Respondent's Indiana resident producer's license, number 406887, is Permanently Revoked.

ALL OF WHICH IS ORDERED this 30th day of

2010.

stephen W. Robertson,

**Executive Director/Acting Commissioner** 

Indiana Department of Insurance

Distribution:

Nikolas P. Mann INDIANA DEPARTMENT OF INSURANCE 311 West Washington Street, Suite 300 Indianapolis, Indiana 46204-2787

Robert Z. Schwuchow 4208 Crest Drive Lafayette, Indiana 47905

STATE OF INDIANA ) ) SS:	BEFORE THE INDIANA
COUNTY OF MARION )	COMMISSIONER OF INSURANCE
	CAUSE NUMBER: 9391-AG10-0614-109
Robert Z. Schwuchow, Agent / Respondent	
4208 Crest Drive	
Lafayette, Indiana 47905	JUL 30 2010
Type of Agency Action: Enforcement	STATE OF INDIANA DEPT. OF INSURANCE

Indiana Insurance License No.: 406887

## AGREED ENTRY

This Agreed Entry is entered into by Nikolas P. Mann, attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and Robert Z. Schwuchow ("Respondent"), a licensed Indiana resident insurance producer holding license number 406887, to resolve all matters under Cause Number 9391-AG10-0614-109. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Executive Director/Acting Commissioner, Indiana Department of Insurance.

WHEREAS, Respondent is a licensed resident insurance producer in the State of Indiana; and

WHEREAS, on June 2, 2010, the Department received a letter from Elaine Kinney, a Regulatory Compliance Specialist with Western & Southern Life Insurance Company, stating that their Internal Audit and Investigations Department completed a review of the business written by the Respondent from February 16, 2009, through January 3, 2010. The audit identified twenty-one (21) bogus applications. Western &

Southern Life stated that they are attempting to recover nineteen thousand nine hundred twenty five (\$19,925) dollars in commissions that were paid to the Respondent as a result of the bogus applications. According to company Field Associate Relations, Respondent was placed on unpaid suspension on January 12, 2010 and asked to provide a written statement. No written statement was received. Respondent was scheduled to meet with a District Sales Manager on January 15, 2010 but failed to return to the office. Respondent's employment was terminated with Western-Southern Financial Group on January 19, 2010; and

WHEREAS, the Department investigator reviewed copies of the signed applications for Critical Illness Insurance, applications for Life Insurance, and company New Issues Listing/Questions sent by Western-Southern Life. The majority of the applications contained incorrect Social Security Numbers, incorrect client telephone numbers, and one client interviewed stated that he did not sign the application; and

WHEREAS, the Department and Respondent desire to resolve their differences and settle the issues without a hearing;

IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

- 1. The Acting Commissioner has jurisdiction over the subject matter and Respondent in this administrative action.
- 2. This Agreed Entry is executed voluntarily by the parties.
- 3. Respondent voluntarily and freely waives his right to a public hearing on the issues in this action.
- 4. Respondent admitted to Department investigator Mike Herndon that the complainants' accusations were true, he did forge complainants' signatures on applications.

- 5. Respondent committed fraud in the business of insurance by intentionally misrepresenting the terms of proposed applications for insurance.
- 6. Respondent used fraudulent and dishonest practices, demonstrating untrustworthiness in the conduct of business in Indiana.
- 7. Respondent forged applicants' signatures on applications for insurance.
- 8. Respondent agrees to the permanent revocation of his Indiana resident insurance producer license number 406887.
- 9. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full resolution of this matter.
- 10. Respondent has carefully read this agreement and fully understands and accepts its terms.

Nikolas P. Mann, Attorney

Indiana Department of Insurance

1/28/2010
Date Signed

STATE OF INDIANA ) SS:	
COUNTY OF Mature )	
Before me a Notary Public for personally appeared Robert Z. Schwuchov	County, State of Indiana, w and being first duly sworn by me upon his
oath, states that the facts alleged in the for	egoing instrument are true. Signed and sealed
this 28th day of July	_ 2010.
	Notary Signature  Notary Signature
	Notary Name Printed
My Commission expires: US /1/3	RONDR ANKNEY  SEAL  RONDR ANKNEY  Solotory Public, Sigle of Indiana  Johnson County, Comm. # 582137  Johnson County, Comm. # 582137

INDIANA DEPARTMENT OF INSURANCE Enforcement Division Suite 300 311 West Washington Street Indianapolis, IN 46204-2787 317/234-5888 - telephone 317/234-2103 - facsimile